

ELECTRONICALLY FILED

August 1, 2006

STUTMAN, TREISTER & GLATT, P.C.
 FRANK A. MEROLA
 (CA State Bar No. 136934)
 EVE H. KARASIK
 (CA State Bar No. 155356)
 ANDREW M. PARLEN
 (CA State Bar No. 230429), Members of
 1901 Avenue of the Stars, 12th Floor
 Los Angeles, California 90067
 Telephone: (310) 228-5600
 Facsimile: (310) 228-5788
 Email: fmerola@stutman.com
ekarasik@stutman.com
aparden@stutman.com

SHEA & CARLYON, LTD.
 JAMES PATRICK SHEA
 (Nevada State Bar No. 000405)
 CANDACE C. CARLYON
 (Nevada State Bar No. 002666)
 SHLOMO S. SHERMAN
 (Nevada State Bar No. 009688)
 233 South Fourth Street, Second Floor
 Las Vegas, Nevada 89101
 Telephone: (702) 471-7432
 Facsimile: (702) 471-7435
 Email: jshea@sheacarlyon.com
ccarlyon@sheacarlyon.com
ssherman@sheacarlyon.com

Counsel for the Official Committee Of
 Equity Security Holders Of USA Capital First Trust Deed Fund, LLC

**UNITED STATES BANKRUPTCY COURT
 DISTRICT OF NEVADA**

In re:
 USA COMMERCIAL MORTGAGE COMPANY,
 Debtor.

) BK-S-06-10725-LBR
 Chapter 11

In re:
 USA CAPITAL REALTY ADVISORS, LLC,
 Debtor.

) BK-S-06-10726-LBR
 Chapter 11

In re:
 USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,
 Debtor.

) BK-S-06-10727-LBR
 Chapter 11

In re:
 USA CAPITAL FIRST TRUST DEED FUND, LLC,
 Debtor.

) BK-S-06-10728-LBR
 Chapter 11

In re:
 USA SECURITIES, LLC,
 Debtor.

) BK-S-06-10729-LBR
 Chapter 11

Affects

- ☐ All Debtors
☐ USA Commercial Mortgage Co.
☐ USA Securities, LLC
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed
☒ USA First Trust Deed Fund, LLC

Hearing

Date: August 31, 2006
 Time: 9:30 a.m.
 Place: Courtroom #1

**NOTICE OF OMNIBUS OBJECTION OF THE OFFICIAL COMMITTEE OF EQUITY
 SECURITY HOLDERS OF USA CAPITAL FIRST TRUST DEED FUND, LLC TO
 MISFILED CLAIMS (AFFECTS DEBTOR USA CAPITAL FIRST TRUST DEED FUND,
 LLC AND CLAIMANTS MELANIE COWAN, ROSS DELLER, BRENDA FALVAI,
 FRIEDA MOON, EDWARD J. AND DARLENE A QUINN, AND SHARON C. VAN ERT)**

PLEASE TAKE NOTICE that on August 1, 2006, the "**Omnibus Objection Of The Official Committee Of Equity Security Holders Of USA Capital First Trust Deed Fund, LLC To Misfiled Claims**" (the "Objection") was filed by the Official Committee of Equity Security Holders of USA Capital First Trust Deed Fund, LLC (the "FTDF Committee"). Pursuant to the Objection, the FTDF Committee seeks the disallowance of certain proofs of claim (the "Wrong Debtor Claims") on the grounds that such claims have been erroneously filed against the USA Capital First Trust Deed Fund, LLC (the "FTDF") and that the FTDF has no liability on account of such claims. By the Objection, the FTDF Committee does not seek to prejudice the rights of any of the claimants who filed Wrong Debtor Claims (the "Claimants") to recover from other Debtors in the Chapter 11 cases on account the liabilities asserted in the Wrong Debtor Claims, nor does the FTDF Committee seek to prejudice the right of Claimants to file proofs of claim that are based on outstanding debts that the FTDF may owe to them. The Wrong Debtor Claims and the requested treatment of such claims by the FTDF Committee are as follows:

Claim No.	Claimant	Date Filed	Claim Amount	Comments	Proposed Disposition
3	Frieda Moon, Trustee of the Decedent's Trust of the Restated Moon Irrevocable Trust Dated 6/12/1987	May 22, 2006	\$37,860.24	While Claimant is a FTDF Member, the supporting documentation attached to the proof of claim indicates that the basis of this claim is the Claimant's direct loan to Bay Pompano Beach, LLC.	Disallow in its entirety.
4	Frieda Moon, Trustee of the Decedent's Trust of the Restated Moon Irrevocable Trust Dated 6/12/1987	May 22, 2006	\$51,033.34	While Claimant is a FTDF Member, the supporting documentation attached to the proof of claim indicates that the basis of this claim is the Claimant's direct loan to Homes for America Holding.	Disallow in its entirety.

1	5	Frieda Moon, an unmarried woman and Sharon C. Van Ert, an unmarried woman, as joint tenants with right of survivorship	May 23, 2006	\$51,033.34	Claimant is not a FTDF Member nor is she otherwise connected to the FTDF. Proof of claim appears to be based on various loans made by Claimant through USACM.	Disallow in its entirety.
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7	8	Frieda Moon, an unmarried woman and Sharon C. Van Ert, an unmarried woman, as joint tenants with right of survivorship	May 23, 2006	\$51,076.38	Claimant is not a FTDF Member nor is she otherwise connected to the FTDF. Proof of claim appears to be based on a loan made to Marlton Square Associates, LLC.	Disallow in its entirety.
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14	9	Frieda Moon, Trustee of the Decedent's Trust of the Restated Moon Irrevocable Trust Dated 6/12/1987	May 23, 2006	\$51,076.38	While Claimant is a FTDF Member, the supporting documentation attached to the proof of claim indicates that the basis of this claim is the Claimant's direct loan to Castaic Partners III, LLC.	Disallow in its entirety.
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20	10	Frieda Moon, Trustee of the Decedent's Trust of the Restated Moon Irrevocable Trust Dated 6/12/1987	May 23, 2006	\$25,538.20	While Claimant is a FTDF Member, the supporting documentation attached to the proof of claim indicates that the basis of this claim is the Claimant's direct loan to BarUSA, LLC.	Disallow in its entirety.
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1	11	Brenda Falvai	June 2, 2006	\$50,933.34	Claimant is not a FTDF Member nor otherwise connected to the FTDF. Proof of claim appears to be based on a loan made to Del Valle Capital Corporation, Inc.	Disallow in its entirety.
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6	12	Brenda Falvai	June 2, 2006	\$50,972.22	Claimant is not a FTDF Member nor otherwise connected to the FTDF. Proof of claim appears to be based on a loan made to Glendale Tower Partners, LLC.	Disallow in its entirety.
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12	13	Brenda Falvai	June 2, 2006	\$50,933.34	Claimant is not a FTDF Member nor otherwise connected to the FTDF. Proof of claim appears to be based on a loan made to John and Carol King.	Disallow in its entirety.
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17	14	Brenda Falvai	June 2, 2006	\$50,933.34	Claimant is not a FTDF Member nor otherwise connected to the FTDF. Proof of claim appears to be based on a loan made to John and Carol King.	Disallow in its entirety.
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22	15	Brenda Falvai	June 2, 2006	\$37,860.24	Claimant is not a FTDF Member nor otherwise connected to the FTDF. Proof of claim appears to be based on a loan made to Bay Pompano Beach, LLC.	Disallow in its entirety.
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1	18	Melanie Cowan	June 23, 2006	\$100,000.00	Claimant is not a FTDF Member nor otherwise connected to the FTDF. Proof of claim appears to be based on loans made to Homes for America Holding and Eagle Meadows Development, Ltd.	Disallow in its entirety.
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7	21	Ross Deller	June 23, 2006	\$50,000.00	Claimant is not a FTDF Member nor otherwise connected to the FTDF. Proof of claim appears to be based on investment in the DTDF.	Disallow in its entirety.
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12	22	Ross Deller	June 23, 2006	\$120,000.00	Claimant is not a FTDF Member nor otherwise connected to the FTDF. Proof of claim appears to be based on a loan made to Roam Development Group, L.P.	Disallow in its entirety.
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17	23	Ross Deller	June 23, 2006	\$50,000.00	Claimant is not a FTDF Member nor otherwise connected to the FTDF. Proof of claim appears to be based on investment in DTDF.	Disallow in its entirety.
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22	24	Ross Deller	June 23, 2006	\$100,000.00	Claimant is not a FTDF Member nor otherwise connected to the FTDF. Proof of claim appears to be based on investment in the DTDF.	Disallow in its entirety.
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27	Edward J. Quinn and Darlene A. Quinn	July 24, 2006	\$156,388.48	Claimant is not a FTDF Member nor otherwise connected to the FTDF. Proof of claim appears to be based on loans made to Freeway 101 USA Investors, LLC, LCG Gilroy, LLC, and Bay Pompano Beach, LLC.	Disallow in its entirety.
28	Edward J. Quinn and Darlene A. Quinn	July 26, 2006	\$156,388.48	Claimant is not a FTDF Member nor otherwise connected to the FTDF. Proof of claim appears to be based on loans made to Freeway 101 USA Investors, LLC, LCG Gilroy, LLC, and Bay Pompano Beach, LLC.	Disallow in its entirety.
29	Edward J. Quinn and Darlene A. Quinn	July 26, 2006	\$156,388.48	Claimant is not a FTDF Member nor otherwise connected to the FTDF. Proof of claim appears to be based on loans made to Freeway 101 USA Investors, LLC, LCG Gilroy, LLC, and Bay Pompano Beach, LLC.	Disallow in its entirety.

PLEASE TAKE FURTHER NOTICE that the hearing on the Objection will be held before the Honorable Linda B. Riegle, United States Bankruptcy Judge, in the Foley Federal Building, 300 Las Vegas Boulevard South, Courtroom 1, Las Vegas, Nevada, on August 31, 2006, at the hour of 9:30 a.m.

PLEASE TAKE FURTHER NOTICE that any response to the Objection must be filed by **August 24, 2006** pursuant to Local Rule 3007(b), which states:


If an objection to a claim is opposed, a written response must be filed and served on the objecting party at least 5 business days before the scheduled hearing. A response is deemed sufficient if it states that written documentation in support of the proof of claim has already been provided to the objecting party and that the documentation will be provided at any evidentiary hearing or trial on the matter.

1 If you object to the relief requested, you *must* file a **WRITTEN** response to this
2 pleading with the court. You *must* also serve your written response on the person who sent you
3 this notice.

4 If you do not file a written response with the court, or if you do not serve your
5 written response on the person who sent you this notice, then:

6 ! The court may *refuse to allow you to speak* at the scheduled hearing; and
7 ! The court may *rule against you* without formally calling the matter at the
8 hearing.

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10 DATED: August 1, 2006


Andrew M. Parlen, Esq.
Stutman, Treister & Glatt
Professional Corporation
Counsel to the Official Committee of Equity
Security Holders of USA Capital First Trust
Deed Fund, LLC